IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3343 OF 2005

Shaikh Akbar Babu Ahmed ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Ganesh Gole for the applicant.

Mr.V.B.Konde-Deshmukh APP for the Respondent/State.

Coram : R.S.MOHITE,J

Date : 17.05.2005.

PC

1. This is an application for grant of anticipatory bail. Perused the investigating papers. Investigating officer is present in Court. The applicant is shown as an accused in C.R.No.146/2005 registered by the Byculla police station for alleged offences under Sections 465, 468, 471 and 420 of IPC.

2. The facts of the case are that the applicant has a young son by name Zeeshan who was studying in the school known as Rosary High School at Mazgaon till 2001. The applicant was desirous for getting his son admitted in a better school. It is the applicant’s case that while he was attempting to get

his son in to a better school, he came into contact with one Abdul Salam Ibrahim Ansari who assured the applicant that he would get his son admitted in St.Mary's High School, Mazgaon. In the year 2001 the applicant's son was admitted in St.Mary's High School, Mazgaon.

3. In December-2004, Head master of St.Mary's High School filed a criminal complaint in which he alleged that the School leaving certificate submitted for securing the admission of the applicant's son was a forged certificate and that this certificate of St.Xaviers High School was a fabricated document as there was no such school in existence.

4. In the meanwhile, from the year 2001 till 2005 the applicant's son continued to study in St.Mary's High School, Mazgaon. I am informed that the child is studying in the same school. The applicant then moved an anticipatory bail application bearing No.128 of 2005 before the Sessions Court at Sewree and the same was rejected on 6.5.2005. In these circumstances, the applicant has now filed the anticipatory bail application in this Court.

5. Taking an overall view of the matter, I find that the applicant is not found to be a person

having any criminal antecedent. It appears that his actions were motivated for the purpose of securing a better school for his child. He has disclosed his defence in his anticipatory bail application and there is a possibility that he and his child might be victims. The matter is about 4 years old. As the St.Xaviers High School is said to be non existent, there is no question of making any enquiry at that school and on the face of it any such certificate issued on the letter head of that school would be a fraudulent document. In my view, investigation in this case can be completed without arrest of the applicant. It is therefore, directed that in the event of arrest, the applicant be released on bail in the sum of Rs.10,000/- with one surety in the like amount subject to the condition that he will report to Byculla police station twice a week on every Monday and Tuesday till the filing of the charge-sheet. It would be expected that the applicant will co-operate with the police.

6. Subject to these directions application is disposed of.

. Parties to act on an ordinary copy of this order duly authenticated by the Personal Secretary/Court Sheristedar of this Court as a true copy.

(R.S.MOHITE,J)